REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. Claims 1, 3, 13, 18, 20 and 22 have been amended. Claims 2, 6, 9, 19 and 23 have been previously canceled. New claims 24-28 have been added.

Claims 1, 3-5, 7, 8, 10-18, 20-22 and 24-28 remain pending.

Claims 1, 3-5, 7, 8, 10-18 and 20-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Smethers (US Pat Pub 2004/0142720).

Claims 1, 3-5, 7, 8, 10-18 and 20-22 stand rejected on the ground of nonstatutory double patenting over US Pat. Application 10/600,185. Applicant has amended claims 1, 18 and 22 and added new claims 24-29 to encompass the scope of both the present application and US Pat. Application 10/600,185. Further, Applicant traverses this rejection as US Pat. Application 10/600,185, but not the inventions described therein, has been expressly abandoned on the same date this response is being filed and the subject matter claimed therein is reserved for prosecution in the present application. Applicant therefore requests this rejection be withdrawn.

June 11, 2008 Telephone Interview

Applicant thanks Examiner Tran for her time discussing the present application. While no specific agreements were made, we did discuss Smethers and what Smethers teaches and we discussed Applicant's invention and the differences between Applicant's invention and what Smethers teaches. Examiner Tran requested that in light of our discussion she needed to review Smethers in more detail. Examiner Tran also noted that the drawings she was referring to were the original drawings as filed with the application and that some of those drawings were somewhat difficult to see. Applicant suggests the Examiner refer to the is submitting 21 sheets of formalized drawings with the present response to ease the Examiner's analysis thereof.

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. A method of navigating a mobile device display comprising: highlighting a first icon of a first plurality of icons displayed in a main portion of the mobile device display; traversing the main portion to a tertiary tab, wherein traversing the main portion to the tertiary tab includes opening the tertiary tray by highlighting the tertiary tab, wherein opening the tertiary tray includes displaying the tertiary tray in the mobile device display, and wherein opening the tertiary tray includes rearranging only a portion of the main portion of the mobile device display such that all of the first plurality of icons remain visible in the main portion of the mobile device display the tertiary tray including at least one scroll button and a second icon; and highlighting the second icon of a second plurality of icons displayed in the tertiary tray, wherein a single navigation key is used to traverse the main portion and to highlight the second icon, wherein the tertiary tray is adjacent to an edge of the mobile device display. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. §102(e)

Claims 1, 3-5, 7, 8, 10-18 and 20-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Smethers. Applicant respectfully traverses the rejection as set forth in more detail below.

Smethers discloses a microbrowser in a mobile communications device generates a Graphical User Interface (GUI) including features that make the device more user-friendly. These features address problems associated with a device that has relatively few input keys and restrictive functionality for cursor movement and pointing, such as a two-arrow key device. The GUI features include: a combined browser-application menu that includes a dismiss bar and browser options represented by horizontally placed icons; a separate browser menu accessible from the title bar of a displayed screen; an auto-jump feature that automatically highlights the next actionable control after a control has been edited; a control-sensitive softkey menu on

the secondary softkey that changes according to the control currently in use; table navigation that allows more efficient navigation through table or calendar entries using two arrow keys; and a non-scrollable header with actionable controls.

Smethers teaches that a small mobile device can have several "frames" that can be selectively displayed and relatively easily navigated between using a function key. The frames can include a *fixed set of graphical representations of links* to applications and other functions. Each of Smethers' frames can be sized differently and oriented differently so that one or more frames can be displayed in an overlay fashion (Smethers Figure 4A-D, 5A-5D).

Smethers also teaches that when a first frame is displayed and then a second frame is selected for display, the second frame is displayed as an overlay on top of the first frame. As a result, at least some of the links that are included in the first frame are covered and obscured from view and access by the second frame. See Smethers' Fig 4B-D where the frame 403 overlays the display of the calendar and obscures many of the dates in the calendar page that is overlayed by the frame 403.

Further, when the second frame is displayed as an overlay on top of the first frame, the links in the first frame are not available to the user even if the links are still visible in the display because only the second frame is active and only the links in the second frame can be selected. If the user wants to select a link in the first frame, the second frame must be closed before the user can access the links in the first frame.

Smethers teaches that links such as the "EMAIL" link in the drop down menu (Smethers' Fig 5A) can be selected. Selecting the "EMAIL" link in the drop down menu causes a page or frame of information entitled "EMAIL" to be displayed as shown in Smethers' Fig 5B.

However, displaying the frame of information entitled "EMAIL" covers over or otherwise causes the previous frame of information as shown in Smethers' Fig 5A to be at least partially obscured from view. In this particular example of Fig 5A and 5B, the entire frame of information shown in Fig 5A is no longer displayed when the frame of information shown in Fig 5B is displayed.

Once Smethers' EMAIL frame is displayed, the "EMAIL" at the top of the frame is merely the name or title of the frame in the title bar 502 of the frame. See Smethers' Table 2. Therefore the "EMAIL" icon shown in the previously displayed frame is no longer displayed.

Further, with reference to Smethers' Fig. 5D, where a drop down "Browser Menu" is displayed, the underlying EMAIL frame of information is covered over and not displayed. As the underlying EMAIL frame of information is covered over and not displayed, it cannot be accessed or highlighted or navigated to without first closing the "Browser Menu".

Further still, with reference to Smethers' Fig. 5D, where the drop down "Browser Menu" is displayed, the drop down "Browser Menu" is displayed by first highlighting the "P" icon 501 with up/down arrow keys 221A and 221B, as shown in Smethers' Fig. 5C, and then selecting the "P" icon 501 with a "select" control. (See Smethers' Table 2 and paragraph [0066] which states in part "up/down arrow keys 221A and 221B are used for scrolling and highlighting of controls initially")

As stated above, when Smethers' "Browser Menu" is displayed, the underlying frame of information might be partially displayed but it is not accessible without first closing the "Browser Menu".

In stark contrast to Smethers' frames, Applicant's display is very dynamic and much easier and simpler and faster to use.

In Applicant's display, and with reference to Applicant's Figures 8A-8L, a plurality of icons 802, 804, 806, 808 and 810 are displayed in a main portion 812 of the display.

Applicant's device display is divided up into different portions including the primary or main portion and the tertiary tray. There are several icons (e.g., a first plurality) in the main portion and several more icons (e.g., a second plurality) in the tertiary tray. Each of the displayed icons in the first plurality and second plurality

represent services of applications available to the user to use. Therefore, causing the tertiary tray to be displayed simply reveals more icons and the corresponding services to be available to the user.

Therefore, causing the tertiary tray to be displayed is not the same as opening a new frame as in Smethers but rather only opening another portion of the existing display.

Applicant refers the Examiner to the following paragraphs of the Applicant's specification:

"[54]   The context-based **display 300 presents services and applications to users utilizing icons**. In the example of Figure 3, the icons are displayed in various locations on the context-based display 300 dependent on predicted usage. In particular, **each icon can be presented in a primary position 302, secondary position 304, or tertiary position 306**. In the example of Figure 3, the icons located at the tertiary positions 306 are hidden within a tertiary tray accessed via a tertiary tab 308, however, it should be noted that the tertiary tray is only an example of tertiary icon placement. As such, icons displayed in tertiary positions can be presented in any manner, such as on a side of the display, transparently, or in any other manner that conveys tertiary importance." (Emphasis added)

"[59]   Figure 4 is an illustration showing an exemplary context based display 300 having tertiary icons exhibited, in accordance with an embodiment of the present invention. When the user selects the tertiary tab 308, a tertiary icon tray 400 is displayed revealing icons in the tertiary positions 306. As mentioned above, **icons at the tertiary position 306 can represent additional services and applications available to the user** that are not already displayed in the primary 302 or secondary 304 positions. These are services and applications that the service management system predicts will not be utilized as soon or as often as the services and applications represented by the icons in the primary and secondary positions 302 and 304. Alternatively, the icons at the tertiary position 306 can represent a complete set of all of the services and applications available to the user."(Emphasis added)

Merely navigating over to the tertiary tab 820 so as to highlight the tertiary tab 820, causes the tertiary tray 830 to open. Unlike Smethers', a separate "select" action is not required to cause the tertiary tray 830 to open.

Further, when the tertiary tray 830 is open, the plurality of icons 802, 804, 806, 808 and 810 remain displayed and can still be navigated to and highlighted without first taking an action to close the tertiary tray 830.

Further, when the tertiary tray 830 is open, one or more second icons (e.g., the icons 832, 834, 836 and 838) are displayed in the tertiary tray 830. The one or more second icons can be highlighted.

In Applicant's display, at least a portion of the icons displayed in the main portion of the mobile device display can be rearranged to keep the icons visible and accessible after the tertiary tray is opened. This rearrangement can be by shifting the icons or by scaling the icons in the main portion of the display.

Further, Smethers' frames are static and Applicant's displays are dynamic as described in claim 15 where "selecting the second icon causes the second icon to be displayed in the main portion of the mobile device display".

Smethers' does not teach or even suggest that selecting a link in a second frame will move the selected link to the first frame.

For at least the foregoing reasons Applicant submits that Applicant's tertiary tray is not the same as not even suggested by Smethers' frames. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 1, 3-5, 7, 8, 10-18, 20-22 and 24-28 is neither taught nor suggested by Smethers and respectfully requests the withdrawal of the rejection under 35 U.S.C. §102(e).

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 749-6900, ext 6923.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref SUNMP327) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

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